

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-HC-02222-M

TARIQ EVERETTE,

Petitioner,

v.

STATE OF NORTH CAROLINA,


Respondent.

ORDER

On October 14, 2021, Tariq Everette (“petitioner”), a state inmate, filed *pro se* what the court construed as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pet. [D.E. 1]. On October 18, 2021, the court issued an order of deficiency 1) directing petitioner to re-file his petition on the forms prescribed for use by the court, and 2) warning him that failure to correct this deficiency within 21 days may result in dismissal of the action without prejudice for failure to prosecute. Order [D.E. 3]. Although petitioner filed a declaration in support of his petition, see [D.E. 5], petitioner has failed to correct the noted deficiency and the time to do so has passed.

Accordingly, the court: DISMISSES WITHOUT PREJUDICE the action [D.E. 1] for failure to prosecute; DENIES a Certificate of Appealability, see 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and DIRECTS the clerk to close the case.

SO ORDERED, this 15<sup>th</sup> day of November 2021.

  
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RICHARD E. MYERS II  
Chief United States District Judge